

KEVIN V. RYAN (CSBN 118321)  
United States Attorney

EUMI L. CHOI (WVBN 0722)  
Chief, Criminal Division

NAHLA RAJAN (CSBN 218838)  
Special Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-6838  
FAX: (415) 436-7234  
Email: nahla.rajan@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. 3-06-70207 BZ
	)	
Plaintiff,	)	
	)	<del>XXXXXXX</del> ORDER AND
v.	)	PROPOSED STIPULATION EXTENDING TIME
	)	UNDER RULE 5.1 AND EXCLUDING
JOSE FRANCISCO OLMOS-LOPEZ,	)	TIME UNDER THE SPEEDY TRIAL ACT
aka Noe Espita-Hernandez,	)	
	)	
Defendant.	)	
	)	

The parties stipulate and agree, and the Court finds and holds, as follows:

1. The parties initially appeared on the instant matter March 28, 2006 for defendant's initial appearance on the complaint. On April 6, 2006, the parties appeared in front of the Honorable James Larson for a detention hearing, and the matter was continued until April 26, 2006 for arraignment.

2. On April 6, 2006, Assistant Public Defender Steven Kalar, who represents the defendant, requested an exclusion of time from April 6, 2006 to April 26, 2006, based on effective preparation and continuity of counsel. The defendant agreed to an extension of time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1(d) and an exclusion of

time under the Speedy Trial Act. The parties are involved in discussions which appear likely to lead to pre-indictment resolution of this case. Therefore, the parties are requesting an extension of time under Rule 5.1(d) and an exclusion of time under the Speedy Trial Act. The parties agree that the time from April 6, 2006 to April 26, 2006 should be extended under Rule 5.1(d) and excluded in computing the time within which an information or indictment must be filed. See 18 U.S.C. § 3161(h)(8)(A) and (B)(iv).

3. In light of the foregoing facts, the failure to grant the requested exclusion would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See id. The ends of justice would be served by the Court excluding the proposed time period. These ends outweigh the best interest of the public and the defendant in a speedy trial. See id. § 3161(h)(8)(A).

4. For the reasons stated, the time period from April 6, 2006 to April 26, 2006 is extended under Rule 5.1(d) and excluded from the calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A).

IT IS SO STIPULATED.

DATED: \_\_\_\_\_

Respectfully Submitted,

/S/

NAHLA RAJAN  
Special Assistant United States Attorney

DATED: \_\_\_\_\_

/S/

STEVEN KALAR  
Counsel for Jose Francisco Olmos-Lopez

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 4/24/06

